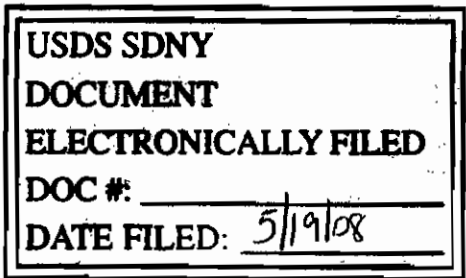


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



PAUL FARRAD SIMMONS (also known as Paul Farrad 2X
Simmons and Abdul-Shahid F. Muhammad), Inmate #12038,
ID No. 895-08-00471 (also known by ID No. 241-06-10391),

Plaintiff,

07 Civ. 9798 (CM)

-against-

MICHAEL HORN, Commissioner, NYC
Department of Correction at 60 Hudson Street;
Acting Chief of Operations at George R. Vierno
Center, Riker's Island, NYC Department of Correction,

Defendants.

ORDER REVOKING IN FORMS PAUPERIS STATUS

McMahon, J.:

I have reviewed the response filed by plaintiff to this Court's April 14, 2008 Order to Show Cause why his in forma pauperis status should not be revoked.

The response demonstrates no reason why the Court ought not apply the "three strikes" provision of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g), to plaintiff. As noted in the Order to Show Cause, plaintiff has accumulated, not three, but five strikes – five different lawsuits that have been dismissed for failure to state a claim.¹

The plaintiff's response is to insist that he is not Robert Muhammad. This court never said that he was. An action brought by one Minister Robert Muhammad that was dismissed for lack of standing by Chief Judge Wood (07 Civ. 811) – a copy of which is attached to the responsive affirmation – is not among the actions listed in this court's Order to Show Cause. Neither is an action before Judge Holwell, which plaintiff refers to as the Cranston case, 07 Civ. 3241. Plaintiffs' commentary on the cases that were mentioned in the Order to Show Cause is, frankly, utter nonsense.

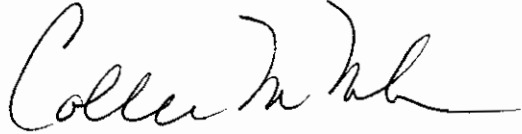
Plaintiff's in forma pauperis status is revoked. I will put this matter on suspense for sixty

¹ Actually, the five strikes cover a total of eight lawsuits, since then-Chief Judge Griesa dismissed three separate lawsuits under the docket number 96 Civ. 4244 and two separate lawsuits under the docket number 98 civ. 3033.

Copies mailed /faxed/handed to counsel on 5/19/08

days. If plaintiff wishes to pay the filing fee in order to keep this case on the court's docket, he must do so by July 21, 2008. If plaintiff does not pay the filing fee by the date ordered by the Court, the Clerk of the Court should dismiss this action without prejudice.

Dated: May 19, 2008

A handwritten signature in black ink, appearing to read "Colleen M. Hall", written over a horizontal line.

U.S.D.J.

BY FIRST CLASS MAIL TO:

Paul Farrad Simmons, a/k/a Adbul-Shahid F. Muhammad
895-08-00471
AMKD- C-95,
18-18 Hazen Street
East Elmhurs, New York 11370

FOR INFORMATIONAL PURPOSES TO:

Chief Judge Wood

Judge Holwell

Judge Rakoff

Pro Se Office